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U. S. DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

St. Louis Cardinals LLC

Plaintiff,

v.

Douglas J. Lewis

Defendant.

CASE # 4: 07-CV- 473 (CEJ)

Defendants Motion to Dismiss

Now comes Defendant respectfully requesting case dismissal

INTRODUCTION

On the morning of November 28, 2007 Defendant arrived at UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION and did file "Defendants Motion Requesting Default Judgment" against Defendants previously filed "Motion for Summary Judgment" filed October 24, 2007. Defendant filed this motion in as much as the thirty (30) day time period had passed with no response from Plaintiff.

See; Defendants Exhibit M

Before Defendant left the clerks counter Defendant requested a copy of the "Civil Docket". Defendant exited the building entered his vehicle and was on the way home. Defendant began reviewing the civil docket and noticed on page 5 of 6 that a RESPONSE to Motion re 31 MOTION for Summary judgment was filed by Plaintiff along with attachments, exhibit, and a declaration on 11/06/2007.

See; Defendants Exhibit N

Page 6 of 6 of the civil docket revealed that Defendant's Motion for Summary Judgment is denied. Signed by Honorable Carol E. Jackson on 11/26/2007.

Defendant returned to UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION third floor filing and was met by Ms. Kathy Spurgeon. Defendant explained what had just been revealed to him and requested a copy of Plaintiffs RESPONSE to Motion re³¹ MOTION for Summary judgment, attachments, exhibit, and a declaration on 11/06/2007.

ARGUMENT

Defendant WAS NOT SERVED OR NOTIFIED with Plaintiff's RESPONSE to Defendants MOTION for Summary judgment, attachments, exhibit, or declaration which was filed on 11/06/2007.

This gross miscarriage of justice on the part of the Plaintiff shocks the conscience, is a slap in the face to the Court. It is considered a serious offense as it can be used to usurp the power of the courts, resulting in miscarriages of justice.
Generating an obstructed vision to a clean and fair judge, resulting in a final court order.

18 U.S.C. § 1621. See also 28 U.S.C. § 1746

This unlawful behavior **violates due process** and serves as an unfair playing field.

Ekern v. McGovern, 154 Wis. 157, 142 N.W. 595, 620 (1913).

Hale v. Henkel, 201 U.S. 43, 74 (1905).

Silverthorne Lumber Co. v. U.S. (1920).

Fifth and Fourteenth Amendment of the U.S. Constitution

Ms. Kathy Spurgeon stated "I was just about to enter your MOTION requesting default judgment would you like that back". I (Defendant) stated "yes".

See; Defendants Exhibit M

On the evening of November 28, 2007 Defendant did receive via U.S. mail a correspondence from DISTRICT COURT. This **UNOPENED correspondence** is attached in its original form for the courts review.

See; Defendants Exhibit O

Basis

Constitutional, Due Process Violation.

BURDON OF PROOF

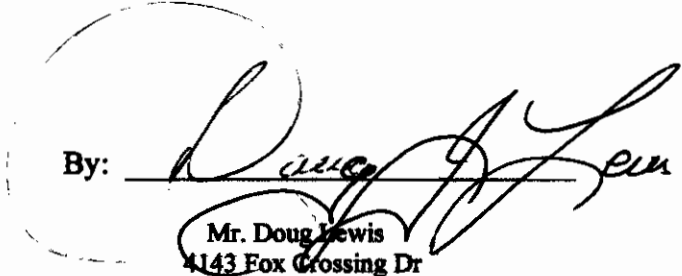
DEFENDANT IS WILLING TO SUBMIT TO A VOLUNTARY POLYGRAPH AT
PLAINTIFFS COST REGARDING THIS MATTER.

WHEREFORE, Defendant prays that Plaintiffs response and information to Motion
re³¹ MOTION for Summary judgment be deemed inadmissible along with Plaintiffs
attachments, exhibit, and a declaration filed 11/06/2007. And that this Case No. 4: 07-
CV- 473 (CEJ) be dismissed and for such other and further relief as the court may deem
proper.

Respectfully Submitted:

Dated: December 1, 2007

By: _____


Mr. Doug Lewis
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